

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

QUALEX INC., OSP DIVISION¹

Employer

and

LOCAL 705, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO

Petitioner

Case 13-RC-20105

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record ²in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.³

3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act⁴:

All full and regular part time service delivery representatives and chem mix operators working for Qualex Inc., OSP Division, at its plant located at 1151 N. Main Street, Lombard, Illinois, excluding field service technicians, clerical employees, janitorial workers, professional workers, dispatchers, maintenance workers, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION*

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the

military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by Local 705, International Brotherhood of Teamsters, AFL-CIO

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of the full names of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, fn. 17 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names and addresses of all of the eligible voters, shall be filed by the Employer with the undersigned Regional Director who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in **Suite 800, 200 West Adams Street, Chicago, Illinois 60606** on or before **May 28, 1999**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court Building, 1099-14th Street, N.W., Washington, D.C. 20570**. This request must be received by the Board in Washington by **June 4, 1999**.

DATED May 21, 1999 at Chicago, Illinois.

/s/ Elizabeth Kinney
Regional Director, Region 13

*/ The National Labor Relations Board provides the following rule with respect to the posting of election notices:

(a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Director in the mail. In all cases, the notices shall remain posted until the end of the election.

(b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.

(c) A party shall be estopped from objection to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Director at least 5 working days prior to the commencement of the election that it has not received copies of the election notice.

- 1/ The names of the parties appear as amended at the hearing.
- 2/ The arguments advanced by the parties at the hearing and in their briefs have been carefully considered. The Employer's unopposed Motion to Correct Errata in Hearing Transcript is granted. I find it unnecessary to rule on the Employer's Motion to Strike Statement by Hearing Officer as the material in issue involved hearsay statements which have not been considered by the undersigned in making any of the findings herein.
- 4/ The Employer is a corporation engaged in the production of photo-processing materials and servicing mini photo labs at numerous retail sites including those in Illinois.
- 5/ The Petitioner seeks to represent a unit of all full and part time service delivery representatives and chem mix operators, excluding field service techniciansⁱ. The Employer, on the other hand, contends that a unit of full and part time service delivery representatives and field service technicians, excluding chem mix operators constitutes an appropriate unit. Alternatively, the Employer contends that a unit including all three groups would be appropriate. At the hearing, the parties stipulated that the lead chem mix operator was not a supervisor within the meaning of the Act, and that the PDSC coordinator has duties consistent with a supervisor as defined under Section 2(11) of the Act.

Facts

The Employer services and supplies one hour photo labs in retail stores, such as Walgreen's and Osco. These one hour photo labs contain a photo-processing machine in which customers' photos are developed. Customers drop off their film and pick up photos in about an hour. The Employer services an area in Northern Illinois covering approximately 505 retail sites. The Employer does not actually develop the film for the customers of the retail sites, with the exception of Target stores. Instead, the stores employ their own photo-processing machine operators and lease the machines from the Employer. Through these lease arrangements, the Employer makes sure the machines stay in running order and supplies the chemicals necessary to develop the pictures.

The chemicals for developing photos are prepared at the Employer's facility in Lombard, Illinois. Workers called chem mix operators mix the chemicals and fill up containers called totes. The chem mix operators then secure the totes on wooden pallets and load the pallets into trucks driven by the service delivery representatives. The service delivery representatives deliver the chemicals, along with other supplies to the retail sites for use in the photo-processing machines. Field service technicians maintain and repair the leased developing machines.

The Employer's facility in Lombard, Illinois is managed by Jim Marszalek and Dan Ahrendt. Jim Marszalek is the District Logistics Manager. He supervises the service delivery representatives and chem mix operators at the Lombard facility. Dan Ahrendt is the District Operations Manager. Mr. Ahrendt supervises the field service technicians at the facility. If either of these managers are absent for any reason, the other one fills in and assumes those responsibilities in addition to his own. Matt Lakey works as the PDSC (Pacific Decision Sciences Corp.) coordinator. The PDSC coordinator monitors the Employer's software system and reassigns calls for field service technicians. All of these positions are salaried.

ⁱ At the hearing, the Petitioner used job titles to describe the three job classification in issue which differed from the job titles utilized by the Employer. For the sake of clarity in this decision, the job titles used by the Employer will be used - service delivery representatives, chem mix operators, and field service technicians.

Chem Mix Operators:

There are approximately 6 chem mix operators, including Wayne Peterson the lead chem mix operator, at the Employer's Lombard facility. To be hired as chem mix operator, the Employer only requires a high school education and an ability to withstand heavy lifting. The Employer pays the chem mix operators between \$8.60 and \$11.03 dollars per hour. Currently, with the exception of two workers, the chem mix operators start their work day at 6:00 am. Jake Switzer comes into work now at 3:00 am, and Azim Siddiqui starts at 7:00 am. Prior to mid-January, 1999, the chem mix operators started at 9:00 am with Siddiqui's start at 1:30 pm. Prior to April of 1999, Jake Switzer's start time was around 1:30pm. The record indicates that the Employer instituted these changes to better accommodate the loading of the supply trucks. All the chem mix operators work an eight hour shift, Monday through Friday, with overtime sometimes on Saturdays.

A typical day for the chem mix operators begins in the break room where they sign in on their time cards and place the cards on a rack. Chem mix operators find out what particular jobs they are doing for that day from a sheet in the break room. Three chem mix operators, Barry Paxton, Jake Switzer, and Wayne Peterson, on an every day basis, help to load and unload trucks. Paxton, Switzer, and Peterson arrive at the facility a little earlier than the rest of the chem mix operators because their goal is to have the trucks loaded by the time the service delivery representatives arrive. They usually work it out among themselves who will arrive at the facility first. Because there are only two forklifts, only two of these workers will load the trucks at any one time. The trucks are spread out in a parking lot and lined up so the loaders can get to them more efficiently. The loaders unload the trucks of empty pallets and place them in the center of the warehouse. Many times the trucks also have "totes" left over from the day before. Totes are containers for carrying photo-processing chemicals to retail sites. Totes contain several different sized bottles filled with chemicals. The loaders take these totes off of the pallets and inside the warehouse to repalletize them. With two loaders working, it takes around one and one half hours to complete loading up the trucks. The loaders use pallets to the right of the garage door filled with totes from the day before. They also load the trucks with paper used in the photo developing process. Once the trucks are loaded, the loaders assist the other chem mix operators in mixing chemicals.

About the time the loaders are finished loading the trucks, the service delivery representatives start to arrive at the facility. The chem mix operators and service delivery representatives interact with one another on a daily basis before the service delivery representatives leave the facility. The service delivery representatives cannot leave the facility until their trucks are loaded. If the chem mix operators are behind in loading the trucks, the service delivery representatives will assist in loading them. Many service delivery representatives prefer to carry with them extra totes in case they run out in the field. At the hearing, witnesses testified that many times, if the trucks have already been loaded and service delivery representatives ask for extra totes, a chem mix operator will fill them. If the trucks are still being loaded or chem mix operators are busy with some other task, service delivery representatives will fill the bottles that go in the totes. The record indicates that service delivery representatives fill extra bottles frequently. Many of the chem mix operators and service delivery representatives are friends.

Mixing the chemistry itself is largely an automated process. In the mixing area of the warehouse, there are two sets of two machines along a wall next to each other. There are four filling stations five to ten feet from the machines. The company receives 55-gallon drums of raw material from Kodak which the chem mix operators move to the machine line. The chem mix operators attach the barrels to the machines via hoses using labels on the barrels and on the hoses. The machine is programmed to mix the proper amount of raw material to make the final product. The chem mix operators do not have to have any knowledge of chemistry whatsoever to perform this process. The machines mix up a gallon of a particular chemical at a time and then pump it into

holding tanks. The holding tanks are at a higher level so that chemicals will be gravity fed down to the chem mix operators.

As mentioned previously, the Employer uses totes to deliver chemicals to the various retail sites. Once the trucks are loaded, the chem mix operators organize empty totes in a staging area to be filled. They pull the bottles out of the totes and fill them with different chemicals that come out of the holding tanks. They place the bottles back in the totes, close, tie, and date them. After filling around 24 totes, the chem mix operators place these totes on wooden pallets. Once on the pallet, they use the forklift to stack the pallets for the next day's use. The Employer expects each chem mix operator to fill seven pallets a day. The chem mix operators know how many pallets to stack because Jim Marszalek places a sheet in the break room in the morning which shows how many trucks are going out the next day. The Employer also has assigned a standard load amount for trucks depending on what type of truck it is.

Service Delivery Representatives:

The Employer employs approximately 11 service delivery representatives at its Lombard facility. The Employer requires service delivery representatives to have a high school degree, a valid driver's license, a clear driving record, an ability to withstand heavy lifting, and strong customer service skills. The Employer pays service delivery representatives between \$11.09 to \$13.04 per hour depending on qualifications. The company performs a complete driver history check at the time of hire. They must also complete a Department of Transportation physical, carry a DOT card, and eventually obtain a Class C or chauffeur's license to drive the T class trucks. The Employer evaluates service delivery representatives on a separate form in addition to the performance review form which is used for all employees. Typically, they work four ten hour days, and are off for three days with the days off changing. The service delivery representatives know what days of the week they are working because their schedule is posted in the break room. The Employer has meetings for the service delivery representatives usually once every four to six weeks in the break room. They learn their routes riding along with other more experienced service delivery representatives.

The service delivery representatives arrive at the Employer's Lombard facility around 7:30 am. They manually fill out their time cards in the break room from the same rack where the chem mix operators have their cards. They also pick up their route sheets and other paperwork, including a book of OSP supply delivery records. Route sheets show the truck assignment, the stops the driver must make, estimated arrival and departure times, and scheduled breaks and lunch. In the break room, the service delivery representatives also pick up their Nextel phones, a two-way radio, to which they have been assigned for the day. Once these items are picked up, service delivery representatives perform a vehicle inspection with the appropriate form to determine if their trucks are in need of any repairs. The Employer assigns service delivery representatives to T and W class trucks. T class trucks require that the driver have a C class license. If their assigned vehicle is in working order, service delivery representatives enter the warehouse and prepare their personal totes. Personal totes contain miscellaneous items, such as air filters, photo envelopes, light bulbs, extractor tape, gloves, and aprons which service delivery representatives put together for the photo-processing operators at the various retail sites. These items are along a wall outside the lunchroom in the warehouse.

The service delivery representatives routes usually have around 7 to 12 stops. Once a service delivery representative arrives at stop on his route, he tries to park somewhere where his truck does not interfere with that stores normal customer accounts. The driver enters the store and inventories the supplies to determine what supplies are needed. Usually, the driver meets with the operator behind the photo-processing desk and sometimes the manager of the store or the receiver. After an inventory, the service delivery representative pulls supplies off the truck and rotates the stock in the store. The driver also picks up the empty totes the store has and places them on the truck. The miscellaneous items in the driver's personal totes are also inventoried and

rotated. He has the store verify delivery on an OSP supply delivery record and gives them a sheet informing them of what time their next delivery will be. Service delivery representatives fill out these OSP forms for every stop. Stores have no standard amount of supplies that they receive, only what they consume. Service delivery representatives also have to fill out a graph which catalogues their mileage. At the end of the day, the service delivery representative removes the OSP forms from his book, staples them with his vehicle inspection form, and leaves them in a box on top of the employee mailboxes for his supervisor to pick up. If service delivery representatives finish their routes early, the Employer will sometimes instruct them to make additional stops or come back to the facility for other duties such as changing filters on photo-processing machines, cleaning the warehouse, or rebuild racks which the field service technicians bring in. The service delivery representatives always leave their trucks at the facility at the end of their shift and sign out in the break room.

If the Employer has a full complement of service delivery representatives for a particular day, it will assign one to be its 911 driver. If a retail site runs out of supplies and their next scheduled delivery is some time away, the Employer will dispatch a 911 or emergency driver to bring supplies to that customer. If a service delivery representative is not available for whatever reason, the Employer occasionally uses chem mix operators, such as Jake Switzer to drive a van in emergency situations. Mr. Switzer performs this duty around once or twice a month. Another chem mix operator, Barry Paxton also drove a van for an entire day to deliver chemistry and paper to retail sites. On another occasion for an entire month, Paxton rode with Steve Tlapa, who was on light duty, and lifted supplies for him. Emergency drivers have also delivered parts to field service technicians if the technician didn't have the required part and that was the quickest way to do it. Field service technicians have also made emergency deliveries of supplies to retail stores until a regularly scheduled delivery can be made.

The service delivery representatives have had no training in the repair of leased photo-processing machines, and any repair functions they may perform on the photo-processing machines are limited and simple in nature. If a problem is simple enough, a manager could walk a service delivery representative through a minor problem over the phone. Otherwise, a field service technician is sent out to deal with the repair. A service delivery representative testified that he had changed chemical filters a number of times on machines, and once replaced a part that Dan Ahrendt instructed him on how to remove. However, another service delivery representative testified that he had never performed any kind of maintenance on the machines and, in fact, he had received instructions from another driver and a former supervisor to refrain from such action.

Field Service Technicians:

There are approximately seventeen field service technicians that work from the Employer's Lombard plant. Field service technicians engage in the preventative maintenance, troubleshooting, and repair of photo-processing machines at the retail sites. The Employer's position description lists the qualifications of a field service technician as typically requiring a minimum of 5 years of work experience servicing complex electro/mechanical machinery, an associates degree in a related technical field or formal training in basic electro/mechanical mechanisms, and strong customer service, analytical, and problem solving skills. Field service technicians do not report to the Lombard facility every day, and may only go to the facility once every two weeks or so. Rather, the field service technicians get dispatches at their homes by calling a central dispatching facility and go directly from their homes to their calls. The field service technicians wear the same uniforms as other employees, and have mailboxes in the same area. The Employer usually pays the field service technicians between approximately \$15.41 and \$18.77 an hour depending on qualifications. Like the other employees, when at the facility, the field service technicians use the same restrooms, breakroom, and bulletin board. The field service technicians work a Monday through Friday schedule for 2 weeks. The third week, they must also work Saturday and Sunday but they get off two days during the week. The fourth week, the field

service technicians are back to the Monday through Friday schedule. They usually work 11 hour days. Like the service delivery representatives, the Employer assigns a group of stores to them. Also like the service delivery representatives, field service technicians carry Nextel phones with them. However, field service technicians do not drive their trucks to the facility at the end of their shift and they do not turn their Nextel phones back in. The field service technicians drive S-10 trucks and they do all their restocking themselves. They fill out time sheets which record their time and where they have been. The Employer evaluates field service technicians on different criteria than other employees. The technicians occasionally deliver supplies, but they are never assigned to be emergency drivers for a whole day.

The Employer prefers to hire technicians who have to have taken classes at a technical school, such as Devry and obtained an associates degree in electronics or a related field. According to testimony at the hearing, the Employer will also train employees who have been at the facility for a significant amount of time, and, if these employees continue to take courses and gain experience in the field, the Employer could reclassify them as field service technicians within a years time. The record also shows that some technicians sole training has been provided by the Employer. The Employer has two training areas at its facility; one for the field service technicians and one for store operators. Newly hired technicians must complete a training course at the Employer's facility before they can go out into the field. The training room also contains a storage area with parts for the photo-processing machines which is under lock and key. Dan Ahrendt has the key to this room.

Typically, a field service technician takes his first call from home by 8:00 in the morning. As mentioned above, the field service technicians have a route of stores in which they perform preventative maintenance on photo-processing machines. A route usually consists of around 30 stores. The field service technicians first either call into the dispatch center at the Lombard facility or the telemaintenance center which is located in Durham, North Carolina. Each technician has a number of calls which have been recorded at these facilities. Once a tech receives his calls from one of these centers, he prioritizes them depending on the severity of the problem. If a particular tech is overburdened with calls, he will call Dan Ahrendt and he will reassign them. If field service technicians do not have any calls that morning, they will call Ahrendt and he will instruct them if there are any other duties they should be performing, such as restocking their trucks.

On their routes, field service technicians respond to any priority calls first. They usually call the customer and give them an estimate of when they will arrive at the store. Once at the store, the field service technician interacts with the store manager or clerk and troubleshoots to repair the problem. When the field service technician has the machine up and running, he fills out a report and calls the telemaintenance center to let them know the machine has been repaired. Then the tech prioritizes his calls again and the process starts all over again. At other times, the field service technicians make stops on their routes to perform preventative maintenance on their assigned machines.

On their regular non-dispatched route, field service technicians maintain their own preventative maintenance (PM) schedule. In the future, the Employer plans to use a system called Tech Check 50 to keep track of what PM steps have been taken on a particular machine but this system has not been fully implemented. Using the old program, every eight to ten weeks, the technicians shut the photo processing machine down for four hours to change the chemistry and do an overall tune up on the machine. With the new Tech Check 50 program, each time a tech visits a store for whatever reason, he goes through a series of checks and, after so many visits, the store completes the full PM without having the photo-processing machine shut down for four hours. Every site currently has a booklet that records problems and serves as a checklist for maintenance visits. The checklist is basically a history of the machine. The checklist has problem codes, the symptoms and cause of the problem, and what the field service technician did to repair the problem. The booklet also contains information on what parts were used to fix the machine. Additionally, field service technicians remove silver

recovery units (SRUs) from the machines every 6 months. These are canisters of silver that the machine produce over time. Also as part of PM, the field service technicians remove racks that drive film or paper through the machines. The field service technicians take these racks back to the Lombard facility to clean and repair them.

Field service technicians travel to the Lombard facility infrequently. Apparently, the only time that they come in is to resupply their trucks, drop off uniforms, attend meetings, to clean and repair racks or to pick up parts which they use on the photo-processing machines.

Common policies:

Employees at the Lombard facility go through a similar job application process. Applicants learn of job opportunities with the Employer through newspaper ads or a 1-800 number which lists jobs nationwide. All the applicants fill out the same application. After management evaluates their applications, an offer of employment is made conditional on the passing of a drug test. Management then requires the new employees to go through an orientation program. The orientation program requires the employees to process the same paperwork, watch company videos, and review various company policy booklets given to them by the Human Resources Department.

All employees have access to similar benefits, including medical insurance, retirement programs, short and long term disability programs, life insurance, the companies' vacation policy, sick day policy, funeral and jury duty policies, and tuition reimbursement program. The Employer pays service delivery representatives, chem mix operators, and field service technicians on an hourly basis, and its policies and benefits apply equally to them and salaried managers. All three of these groups have mail boxes in the same area, use the same break room, and use the same bulletin board. Work weeks begin Saturday and end Friday for all employees for payroll purposes. The Employer pays its hourly employees every two weeks on Thursday. Service delivery representatives, chem mix operators, and field service technicians all wear the same uniform. The employees are evaluated yearly on the anniversary date of their hire, and raises are based on merit. The Employer provides its employees with two 15 minute breaks and a half-hour for lunch which they can take all at once. The Employer does not enforce a specific time that these breaks must be taken.

Although from the record it does not appear to be a common occurrence, some chem mix operators have transferred into driver jobs and vice versa. Some chem mix operators have also become field service technicians but they have had to work as service delivery representatives before they could move into that position.

Analysis

As noted above, the Petitioner seeks a unit consisting of the chem mix operators and the service delivery representatives. The Employer, on the other hand, contends that the appropriate unit must include the field service technicians rather than the chem mix operators. Alternatively, the Employer contends that an overall unit consisting of the chem mix operators, the service delivery representatives, and the field service technicians would be the appropriate unit herein.

Under Section 9(b) of the Act, the Board makes unit determinations in order to "assure employees the fullest freedom in exercising the rights guaranteed by this Act" *Sears, Roebuck and Co.*, 261 NLRB 245, 246 (1982) (citations omitted). The National Labor Relations Act allows a union to petition for an appropriate unit. *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenix Resort Corp.*, 308 NLRB 826 (1992). It is well established that where the petitioning labor organization is the only union involved in the proceeding, "it is

irrelevant that some other larger or smaller unit might also be appropriate, or indeed might be the most appropriate.” *Tallahassee Coca-Cola Bottling Co.*, 168 NLRB 1037 (1967). The Board has long held that “that there is nothing in the statute which requires that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate; the Act requires only that the unit be ‘appropriate’” (citations omitted), *Overnite Transportation Co.*, 322 NLRB 723 (1996). Thus, in making unit determinations the Board first looks to the unit sought by the petitioner.” *Audivox Communications Corp.*, 323 NLRB 647, 650 (1997). If it is appropriate, the inquiry ends.

The key question regarding unit appropriateness is whether the employees have a sufficient community of interest. *Washington Palm, Inc.*, 314 NLRB 1122, 1127 (1994). In *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962), the Board enumerated the factors to be considered in determining whether individuals have a community of interest with other employees; included were: method of wages or compensation, hours of work, employment benefits, supervision, qualifications, training and skills, job functions, amount of contact with other employees, integration of work functions, and bargaining history. See also, *Washington Palm, Inc.*, *supra*; *Texas Port Arthur Works Employees Federal Credit Union*, 315 NLRB 828, 833 (1994). Based on these considerations, I find the petitioned for unit consisting of chem mix operators and service delivery representatives to be an appropriate unit as they share a significant and distinct community of interest separate from the field service technicians.

First, the work of the chem mix operators and service delivery representatives is functionally integrated in meeting the supply side of the Employer’s business. The chem mix operators perform the first two parts of the Employer’s supply side obligations - mixing the chemicals and loading the trucks, and the service delivery representatives perform the third step, delivering the chemicals to the customers. In doing so, the chem mix operators and service delivery representatives have daily contact with each other, and they will, when necessary, assist each other in getting the trucks out to deliver the chemicals to the Employer’s customers. See, *Brand Precision Services*, *supra*. Secondly, the chem mix operators and service delivery representatives have the same day-to-day supervision, which is different from that of the field service technicians. Although the record indicated that occasionally, when Jim Marszalek is not present for whatever reason, the chem mix operators and service delivery representatives are supervised by Dan Ahrendt, it is clear that the usual practice is to have them supervised by Marszalek. See, *Brand Precision Services*, *supra*. Third, the chem mix operators and service delivery representatives also interact more frequently with each other than with the field service technicians, as the service delivery representatives report to the Lombard facility at the beginning and end of their shifts each day where the chem mix operators work, unlike the field service technicians who report infrequently to the Lombard facility. See, *Sears, Roebuck and Co.*, 261 NLRB 245 (1982). The Employer’s educational level requirements for both the service delivery representatives and chem mix operators is similar and they do not go through extensive training once hired by the Employer. On the other hand, the Employer’s educational requirements for the field service technicians is significantly higher, and they go through much more extensive training than the chem mix operators or the service delivery representatives. The field service technicians are also paid more than the chem mix operators or the service delivery representatives.

I do not find, as the Employer contends, that an appropriate unit must include the field service technicians instead of the chem mix operators. In support of its position that the field service technicians rather than the chem mix operators should be in the unit found appropriate, the Employer relies primarily on factor that the service delivery representatives and field service technicians are engaged in a customer service functions away from the Lombard facility, while the chem mix operators are engaged in production work at the facility. However, this similarity between the field service technicians and service delivery representatives and distinction from the chem mix operators is, at best, superficial and does not negate the substantial separate

community of interests shared by the service delivery representatives and the chem mix operators. Thus, while both the field service technicians and service delivery representatives perform job functions involving customer relations away from the Lombard facility, they do so independently of each other for the most part. There is little day-to-day contact or interchange between them, and that which does occur is the result of mere happenstance. Similarly, the distinction between the chem mix operators being engaged in production functions as opposed to the customer service functions engaged in by field service technicians and service delivery representatives bears little weight with regard to the community of interest between the service delivery representatives and the field service technicians; nor does it negate the community of interest between the service delivery representatives and the chem mix operators. The customer service functions performed by the service delivery operators and the field service technicians are relatively distinct and are not functionally integrated - at most the record reveals some reporting functions by the service delivery representatives that a customer needs the services of a field service technician. On the other hand, as I have found, there is a degree of functional integration between the chem mix operators and the service delivery representatives which requires some daily contact between the two groups. Furthermore, as set forth above, the field service technicians have separate daily supervision from the service delivery representatives and chem mix operators, they have a higher rate of pay than the service delivery representatives and chem mix operators, and they must meet different educational and training requirements than those required of the service delivery representatives and the chem mix operators.ⁱⁱ

The Employer alternatively contends that a unit including all three groups would be appropriate. While an overall unit may be appropriate based upon shared a community of interest in the common policies, procedures, and benefits applied to all employees, the Petitioner is not required to seek the most comprehensive appropriate unit. The Petitioner is only required to seek an appropriate unit. *Tallahassee Coca-Cola Bottling Co., supra; Overnite Transportation Co., supra.* Herein, I have found that the unit sought by the Petitioner constitutes an appropriate unit based upon a significant shared community of interests distinct from the community of interest they may share with other employees on a broader basis. As the unit petitioned for is an appropriate unit, the Petitioner is not required to seek a more comprehensive grouping of employees and the inquiry ends. *Audivox Communications Corp., supra.* Accordingly, I shall direct an election in the following unit found appropriate herein:

All full and regular part time service delivery representatives and chem mix operators working for Qualex Inc., OSP Division, at its plant located at 1151 N. Main Street, Lombard, Illinois, excluding field service technicians, clerical employees, janitorial workers, professional workers, dispatchers, maintenance workers, guards and supervisors as defined by the Act.

There are approximately 17 employees in the unit found appropriate herein.

420-0100; 440-1760-3400

ⁱⁱ In view of my findings herein based upon community of interest factors, I find that I do not need to reach the issue whether the field service technicians meet the Board's definition of technical employees, as the Petitioner contends.